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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,677	12/21/2000	Andrew N. Karanicolas	42390.P8733	1958

7590

02/05/2002

Seth Z. Kalson
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

BETTENDORF, JUSTIN P

ART UNIT

PAPER NUMBER

2817

DATE MAILED: 02/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/745,677	KARANICOLAS, ANDREW N.	
	Examiner	Art Unit	
	Justin P. Bettendorf	2817	

-- Th MAILING DATE of this communication appears on the cov r sheet with th correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s): ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 17-20 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: an amplifying device in claim 17, which merely states “an amplifier comprising a capacitor”. How can an amplifier amplify with just a capacitor?

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 9, 10, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by 6,194,973 B1.

Figure 1 shows an “output stage” amplifier 2 that has first and second FETs MCX0 and MCX1 connected between the input and output of amplifier 2 and a third FET M2 is shown in figure 9 with the claimed connections.

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5. Claims 1-5 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Hariton United States Patent No. 5,926,064 (cited by the applicant).

Figure 5 of the Hariton reference discloses first and second FETs 302, 303 with respective sources and drains short-circuited and connected together to form a floating capacitor (see col. 2, lines 51-59) the bias circuit 503 includes a FET 505 and is coupled to yield a substantially zero bias current (see col. 3, lines 36-41). With respect to claim 5, the drain of the bias transistor 505 is inherently at the same potential as the drains/sources of the first and second FETs because the bias current is zero; therefore, the voltage drop across gate/drain of FET 506 is zero yielding the same voltage at the gate/drain of transistor 505.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 7, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hariton.

As noted above, the Hariton reference discloses all of the limitations including suggesting that other biasing circuits may be used (col. 4, lines 42-46) except for the claimed BJT.

Nevertheless, as would have been well-known, BJTs are conventionally utilized in current mirrors.

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Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to have substituted the art-recognized equivalent BJT current mirror in place of the FET current mirror of the Hariton reference because such a modification would have been considered a mere substitution of art-recognized equivalent current mirrors.

8. Claims 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art figure 2 and description thereof in view of Hariton.

As is shown by the applicant's admitted prior art figure 2, a communication device including an amplifier output stage 206 shows a capacitor 208 connected thereacross but does not show the claimed FET capacitor.

Nevertheless, as noted above, the Hariton reference teaches a floating capacitor for use in an integrated circuit (col. 1, lines 5-8).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to have substituted the floating integrated capacitor of Hariton in place of the generic capacitor 208 in the communication device of the applicant's admitted prior art figure 2 because such a modification would have been a mere substitution of art-recognized equivalent capacitors which would have advantageously facilitated integration in a chip at a low cost (see col. 1, lines 15-23 of Hariton).

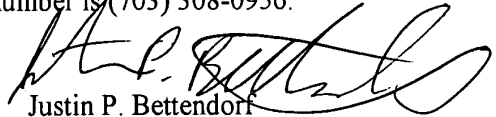
With respect to BJT, the use thereof would have been obvious for the reasons noted above.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin P. Bettendorf whose telephone number is (703) 308-2780. The examiner can normally be reached on 6:00-3:30 (M-F, 1st Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert C. Pascal can be reached on (703) 308-4909. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Justin P. Bettendorf
Primary Examiner
Art Unit 2817

jpb
January 31, 2002